

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF:)
COMPLAINT C2011-095)
Billy Rigby,)
Respondent)
State Ethics Commission,)
Complainant;)
_____)

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DECISION AND ORDER

These matters come before the State Ethics Commission by virtue of a complaint filed by the Commission on June 29, 2011. On September 21, 2011, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Billy Rigby, with a violation of Section 8-13-320(10)(g), and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on November 16, 2011 were Commission Members Priscilla L. Tanner, George Carlton Manley, and E. Kay Biermann Brohl, Hearing Chair. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
DISCLOSING CONFIDENTIAL INFORMATION
SECTION 8-13-320(10)(g), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Billy Rigby, a complainant in State Ethics Complaint C2011-089, did in Georgetown County, on or about June 23, 2011, unlawfully violate Section 8-13-320(10)(g)'s confidentiality provisions, in that he discussed with a newspaper the complaint he had filed with the State Ethics Commission.

FINDINGS OF FACTS

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. The Respondent, Billy Rigby, filed a complaint against a former member of the South Carolina Aeronautics Commission on June 20, 2011.
2. Commission Investigator Dan Choate testified that on June 23, 2011 an article appeared in the Georgetown Times newspaper reporting that Respondent announced that he had filed an ethics complaint against a former member of the South Carolina Aeronautics Commission. Respondent provided details of the complaint to the reporter. Investigator Choate testified that Respondent admitted to him that he had in fact spoken to a reporter with the Georgetown Times newspaper by telephone and provided details of his complaint to the reporter. Investigator Choate determined that the respondent in the original matter did not waive confidentiality during his complaint.
3. Respondent testified that the timing was critical in whether he had violated confidentiality. He did not recall receiving a letter from the Commission spelling out the requirements of confidentiality; however, he did acknowledge that in re-typing the complaint form the same confidentiality language appeared in the complaint he filed as a complainant.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Billy Rigby, was a person as defined by Section 8-13-100(24) and was complainant in an Ethics Act complaint.
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-320(10)(g) prohibits the release or disclosure of information

regarding a complaint matter and such confidentiality remains until final disposition unless the respondent waives the right to confidentiality.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law the State Ethics Commission has determined, based upon a preponderance of evidence, that the Respondent, Billy Rigby, violated Section 8-13-320(10)(g) when he disclosed the existence of Complaint C2011-089 in a newspaper interview on Respondent's filing of a ethics complaint when the respondent in that complaint had not waived confidentiality.

THEREFORE, the State Ethics Commission hereby issues a public reprimand for violation of Section 8-13-320(10)(g) and orders the Respondent, Billy Rigby, to pay a fine of \$2000.00 to the Commission within thirty (30) days of receipt of this order.

FINALLY, Respondent Billy Rigby has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

AND IT IS SO ORDERED THIS 23rd DAY OF December 2011.

STATE ETHICS COMMISSION


E. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA